

REMARKS/ARGUMENTS

After entry of this Amendment, claims 1-20 are pending in the subject application. Of those, claims 4-6 and 10-16 are currently withdrawn from consideration. Applicant has amended claims 1-3 and 9 in order to further define and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully requests the Examiner reconsider and withdrawn the rejections cited in the Office Action.

The Examiner rejected claims 1-3, 7-9, and 17-19 under 35 U.S.C. §102(b) as being anticipated by Cristy, United States Patent No. 4,074,474.

With regard to claim 1, the Examiner stated that Cristy discloses an apparatus for leveling comprising a hollow rigid enclosure connectable to a machine foundation, the enclosure having an upper portion 180, 182 and a lower portion 142, 144, 150, 160, 183, and means 70, 174, 184 for telescopically adjusting the upper and lower portions to provide for various sizes of the enclosure to provide a leveling adjustment.

Applicant has amended claim 1 to state that the enclosure has a substantially hollow upper portion that is telescopically adjustably connected to a substantially hollow lower portion to provide for various sizes of the enclosure. Applicant has also amended claim 1 to include means for fixedly connecting the upper portion of the enclosure to the lower portion of the enclosure for fixing the position of the upper portion of the enclosure with respect to the lower portion of the enclosure. Applicant has further amended claim 1 to include means for providing a leveling adjustment of the machine foundation.

With regard to the enclosure, Applicant notes that the structures pointed to by the Examiner as

an upper portion of the enclosure, namely, the intermediate support body 180 and the wood ring 182, are not substantially hollow, but rather, are substantially planar plate-like elements. With regard to the now-claimed means for fixedly connecting, the bolt 184 of Cristy cannot be considered to fix the upper portion of the enclosure with respect to the lower portion of the enclosure, inasmuch as it does not prevent movement of the support body 180 with respect to any of elements 142, 144, 150, or 160 which were identified as parts of the lower portion of the enclosure by the Examiner. With regard to the now-claimed means for providing a leveling adjustment, Cristy cannot be considered to provide both an enclosure that provides for various sizes by fixedly connecting the upper portion of the enclosure to the lower portion of the enclosure while simultaneously providing a leveling adjustment for the machine foundation.

In light of the foregoing, Applicant submits that claim 1, as amended, is not taught or suggested by the references of record. Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. §102(b) be withdrawn.

With regard to claim 2, the Examiner asserted that Cristy shows an upper enclosure portion 182 having a flange 182 with an aperture extending therethrough, and the lower portion having an anchor ring 183 with a rod 184 that connects the flange to the anchor ring.

Claim 2 has been amended to comply with the amendments made to claim 1, by stating in the preamble that the elements recited in claim 2 further define the means for fixedly connecting. Thus, as Cristy does not include means for fixedly connecting, as explained with regard to claim 1, Cristy cannot be considered to include the elements stated in claim 2. Accordingly, Applicant respectfully requests that the rejection of claim 2 under 35 U.S.C. §102(b) be withdrawn.

With regard to claim 3, the Examiner asserted that Cristy shows a bearing member 14

disposed within the enclosure, and a support member 172 that is engageable with the substructure 168, 12.

Claim 3 has been amended to comply with the amendments made to claim 1, by stating in the preamble that the elements recited in claim 3 further define the means for providing a leveling adjustment. Claim 3 has also been amended to state that the lower portion of the enclosure has an anchor ring that extends into the interior of the enclosure and that the bearing member is adjustably connected to the anchor ring to provide a leveling adjustment of the machine foundation.

Finally, Applicant notes that claim 3 depends from claim 1. Thus, claim 3 should be allowable for the reasons stated with regard to claim 1 as well as the further limitations stated in claim 3 itself. Accordingly, Applicant respectfully requests that the rejection of claim 3 under 35 U.S.C. §102(b) be withdrawn.

With regard to claims 7 and 8, the Examiner asserted that the support member of Cristy is an air bag 172 that is inherently capable of being replaced by other support members.

With regard to claims 7 and 8, Applicant notes that these claims depend from claim 1. Accordingly, these claims should be allowable for the reasons stated with regard to claim 1, as well as for the further limitations stated in those claims. Accordingly, Applicant respectfully requests that the rejection of claims 7 and 8 under 35 U.S.C. §102(b) be withdrawn.

With regard to claim 9, the Examiner asserted that all of the elements of claim 9 are taught by Cristy, for reasons substantially as stated with regard to claims 1 and 3.

Claim 9 has been amended to state that the lower portion of the enclosure has an anchor ring that extends into the interior of the enclosure, that a bearing member is disposed within the enclosure above the anchor ring, and that a plurality of fasteners connect the bearing member to the anchor ring

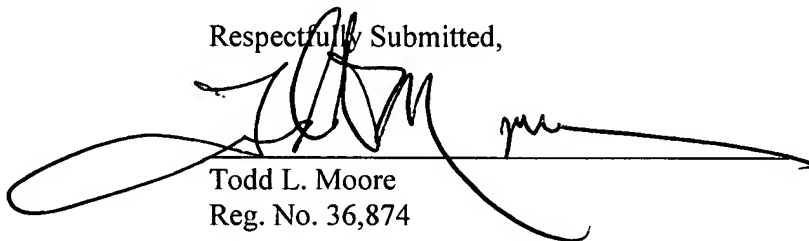
for vertical adjustment of the anchor ring with respect to said bearing member to provide a leveling adjustment of the machine foundation. Applicant respectfully submits that this structure is not shown in Cristy.

In light of the foregoing, Applicant respectfully submits that claim 9, as amended, is not shown or described by the references of record. Furthermore, with regard to claims 17-20, Applicant notes that these claims depend from claim 9, and thus should be allowable for the reasons stated with regard to claim 9, as well as for the additional limitations stated in those claims. Accordingly, Applicant respectfully requests that the rejection of claims 9 and 17-20 under 35 U.S.C. §102(b) be withdrawn.

For the foregoing reasons and in light of the amendments, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections to the above-noted claims and allow the claims to proceed to issue.

If the Examiner has any questions or comments regarding this matter, Applicant's undersigned counsel may be reached at (734) 662-0270 or by electronic mail at moore@ybpc.com.

Respectfully Submitted,



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